THE HON'BLE MR. JUSTICE V.V.S. RAO

WEDNESDAY, THE 4th DAY OF JANUARY, 2006

W.P.No. 219 of 2006

Between:-

D. Sujath Ali Khan and five others.

--Petitioners

And

The Municipal Corporation of Kadapa, rep., by its Commissioner, Kadapa and two others.

--Respondents

THE HON'BLE MR. JUSTICE V.V.S. RAO

W.P.No. 219 of 2006

:O R D E R:

-

The petitioners are residents of Chemmumiahpet in Kagitalapenta Kadapa town. While the petitioner Nos. 1 to 4 are owners of vacant land in survey No.550, the fifth and sixth petitioners are shop owners consisting D.Nos. 11/185, 11/186, 11/186(1) 11/186(2); D.Nos. 11/124 to 11/128 of Chemmumiahpet in Kagitalapenta. It appears that Kadapa Municipal Council passed a resolution proposing to widen roads in Kadapa town. The petitioners allege that officials of first respondent came to the petitioners' property and marked certain portions for demolition for the purpose of widening road. Therefore, placing reliance on the judgment of this Court in **P. Lakshmana Rao v. Executive Officer, Gram Panchayat** present Writ Petition is filed seeking a direction to the respondents not to demolish the petitioners' premises.

Learned Standing Counsel for Kadapa Municipal Corporation, Sri S.I.Newton, after getting instructions submits that pursuant to resolution of Kadapa Municipal Council, six committees were formed and the matter is under consideration. He further submits that the officials of the Kadapa Municipal Corporation have not visited the petitioners' premises nor any marking was made.

After considering the rival submissions, this Court is of considered opinion that the Writ Petition is filed on mere apprehension without there being any concrete steps taken by the Kadapa Municipal Corporation. However, if the land of the petitioners is to be acquired, the Corporation shall have to necessarily follow the procedure contemplated either under Section 146 or under Section 147 of the Hyderabad Municipal Corporations Act, 1955, which is applicable to Kadapa Municipal Corporation also.

The Writ Petition, with the above observations, is accordingly dismissed.

_____

04-01-2006 V.V.S. RAO, J

pvks/*

_

Note: CC in two days. (B/o pvks/*)